

REMARKS

Claims 43, 44, 78 and 81-85 are pending in the present application. In the Office Action dated February 10, 2004, the Examiner rejected claims 43, 44 and 81-85 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserted that claims 43, 44 and 81-85 lack the proper antecedent basis with regard to the limitation "the material". The Examiner also rejected claims 43, 78, 81-82 and 85 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,383,951, to Li ("Li"). The Examiner indicated that claims 44, 83 and 84 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph.

As a preliminary matter, applicant notes that, to date, the Form PTO-1449's from the Supplemental Information Disclosure Statements filed September 26, 2003, and January 20, 2004, have not been returned. The Examiner is respectfully requested to initial and sign the PTO-1449's and to return them to the undersigned attorney.

The Examiner is thanked for his indication of allowable subject matter in the present application. Applicant is therefore amending claims in accordance with the Examiner's indication of allowable subject matter. It is understood, however, that applicant does not agree with the Examiner's rejections based upon the prior art, and is amending claims solely for the purpose of expediting the issuance of the allowable subject matter. Accordingly, applicant reserves the right to present any of the present claims in any continuation, divisional or continuation-in-part application.

Claim 43 is amended to include the limitations of claim 44, and has been amended to provide the correct antecedent basis. Claim 43 is therefore allowable. Claim 44 is cancelled without prejudice.

Claim 78 is amended to include the limitations of dependent claims 81 and 83. Claim 78 is therefore also allowable. Claims depending from amended claim 78 are also allowable based upon the allowable form of the base claim and further in view of the additional limitations present in the dependent claims. Claims 81 and 83 are canceled without prejudice.

Claims 86 and 87 are new. Specifically, claim 86 is former claim 78 that includes the limitations of claim 84. Claim 86 is therefore allowable. Claim 87 is former claim 83 that has been altered to depend from claim 86.

Claims 82 and 85 are canceled without prejudice.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP



Steven H. Arterberry

Registration No. 46,314

Telephone No. (206) 903-8787

SHA:tlm/pep

Enclosures:

Postcard

Fee Transmittal Sheet (+ copy)

DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101-4010
(206) 903-8800 (telephone)
(206) 903-8820 (fax)

h:\ip\documents\clients\micron technology\1000\501082.13\501082.13 amend final reject 021004.doc